IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 19973 of 2007(C)

PETITIONER:

LALITHA, W/O. LATE GANGADHARAN,
AGED 46 YEARS, PEON, THE KERALA MINERALS AND
METALS LTD., CHAVARA, KOLLAM.

BY ADV. SRI.R.SATISH KUMAR

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM.

2. THE MANAGING DIRECTOR,
KERALA MINERALS AND METALS, CHAVARA.

3. THE MANAGING DIRECTOR,
THE KERALA STATE DEVELOPMENT CORPORATION FOR
SCHEDULED CASTES AND SCHEDULED TRIBES LTD.,
TOWN HALL ROAD, TRICHUR.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19973 OF 2007

Dated this the 12th day of July, 2007

JUDGMENT

Petitioner stood as a surety for the loan availed by her brother for purchase of a vehicle. Being a guarantor, petitioner is obviously liable and can be proceeded against for recovery of arrears of liability. However, since there is hypothecation, W.P. is disposed of directing the third respondent to seize the vehicle and sell it immediately, recover the sale proceeds, and then recover the balance from petitioner or any other guarantor and the debtor. Two months' time is granted to third respondent to arrange for seizure and sale of hypothecated vehicle or enter into any agreement with the debtor for recovery of arrears. There will be direction to the second respondent not to recover from the petitioner's salary for two months and thereafter recovery can be continued for recovery of balance arrears after adjusting the sale proceeds.

(C.N.RAMACHANDRAN NAIR)
Judge